

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 3
0 or its 9/27/89
meeting.

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CALENDAR ITEM

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09/27/89
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GENERAL PERMIT - PUBLIC AGENCY USE
RECREATIONAL DEVELOPMENT

APPLICANT: City of Palo Alto
c/o Mr. Edgar Ugarte, Project Manager
PO Box 10250
Palo Alto, California 94303

AREA, TYPE LAND AND LOCATION:
An undetermined amount of filled, sovereign
land in Palo Alto, Santa Clara County.

LAND USE: Development of portions of Byxbee Landfill
Park, adjacent to Mayfield Marsh, Palo Alto,
Santa Clara County.

TERMS OF PROPOSED PERMIT:
Initial period: 49-years beginning
September 27, 1989.

CONSIDERATION: The public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest, as
to any portion of the property ultimately
confirmed into State ownership.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

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MINUTE ITEM
No. 26
Approved by the State Lands Commission
Date: 02/17/90

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 02/17/90.

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared and adopted for this project by the City of Palo Alto. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.
2. The Byxbee Landfill Park is a 146-acre site, used for a long period as a sanitary landfill operation. The present activity, Phase I, consists of one-third of the site, or approximately 46 acres. This section has been closed and no longer receives garbage. Two feet of dirt cover and one foot of impermeable material have been placed over the garbage in compliance with State regulations for landfill closure. An additional one foot of topsoil will be placed as part of the park development to protect the site from erosion as well as to accommodate ground cover planting.
3. The site consists of a series of hills and valleys ranging from elevation ten (10) to elevation 40 feet. The site is bordered on the easterly side by a levee at an elevation of approximately ten (10) feet and on the northerly side by a levee ranging from elevation ten (10) to elevation seven (7) feet. The lower section of the levee will be increased to a ten-foot elevation as part of a separate project in FY 1989-90. The southerly and westerly sides of the park border the active landfill site. Fencing will be constructed to separate the park from landfill operations. The first phase

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park consists of six-foot-wide oyster shell trails, escort wheatgrass, and stipa pulchra plantings for ground cover, benches along a perimeter trail with waste receptacles and artistic features including weirs, arc berms, a wind wave piece, a pole field, chevrons, hedgerows, and a landgate. The plan also includes a temporary gravel parking lot for 20 cars, restrooms, directional signs, bicycle racks, and a bicycle/pedestrian path. The parking lot will be expanded and reconstructed with a hard surface upon completion of future phases of the park. The entrance road will be widened slightly to accommodate pedestrians and bicyclists. The widening will not affect the harbor side of the roadway.

4. The annual rental value of the site cannot be ascertained until complex title issues are resolved and clarified. Such determination will require extended work by the staff and the Applicant.
5. A nonrefundable expense deposit and filing fee have not been requested of the Applicant since the primary purpose of the agreement is to preserve title and interests in the property and permitting, at the same time, the construction of necessary public service facilities. For these reasons, the staff recommends that the fees be waived.
6. The standard covenants and conditions in Commission permits reserve to the State the right to set a monetary rental if such action is in the State's best interest. Since the extent of the State's title is yet to be determined, either by agreement or litigation, the Applicant has requested assurance that the State's reserved right will apply only to the portion of the property ultimately confirmed as being in State ownership. The staff agrees with the

Applicant in this matter and the permit has been written accordingly.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission (BCDC), United States Fish and Wildlife Service, Regional Water Quality Control Board, State Fish and Game, and United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Notice of Determination with accompanying Negative Declaration and Initial Study.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PALO ALTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. WAIVE APPLICATION AND PROCESSING FEES.
4. AUTHORIZE ISSUANCE TO THE CITY OF PALO ALTO OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE - RECREATIONAL DEVELOPMENT, BEGINNING SEPTEMBER 27, 1989; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATES'S BEST INTERESTS, AS TO ANY PORTION OF THE PROPERTY ULTIMATELY CONFIRMED INTO STATE OWNERSHIP; FOR THE ESTABLISHMENT OF A PARK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24334

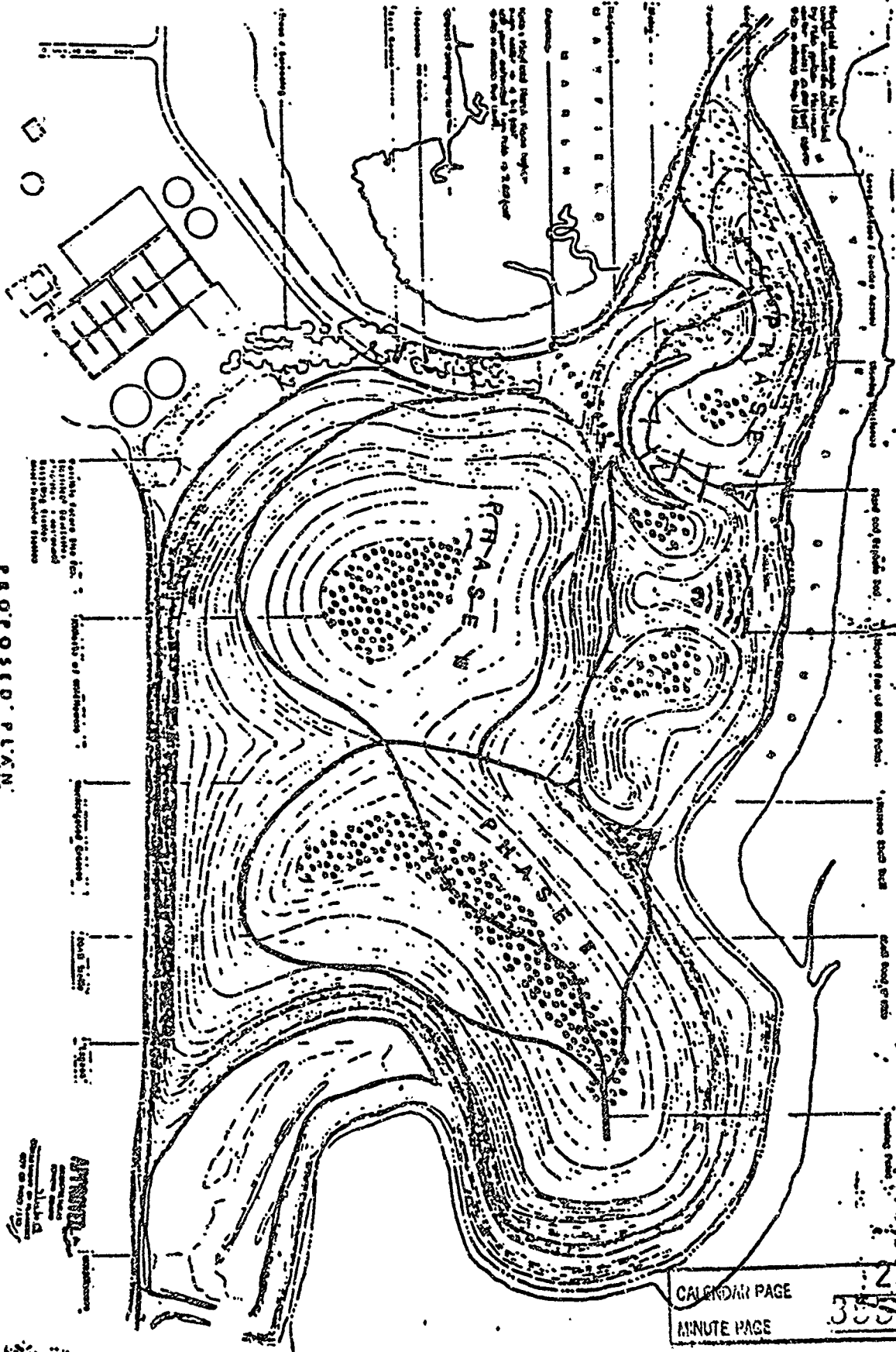
LAND DESCRIPTION

A parcel of filled tide and submerged land within projected Sections 31 and 32, T5S, R2W, MDM, said parcel shown as Phase I on the Proposed Plan Bixbee Landfill Park, July 1988 Master Plan (a copy of which is attached), in Palo Alto, Santa Clara County, California.

END OF DESCRIPTION

PREPARED AUGUST 11, 1989 BY BIU 1

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BY X B E E L A N D F I L L
 SALES AND ASSOCIATES
 RICHARDS

PROPOSED PLAN

P A R K
 JULY 1988 MASTER PLAN

SWANSON
 1015 1/2

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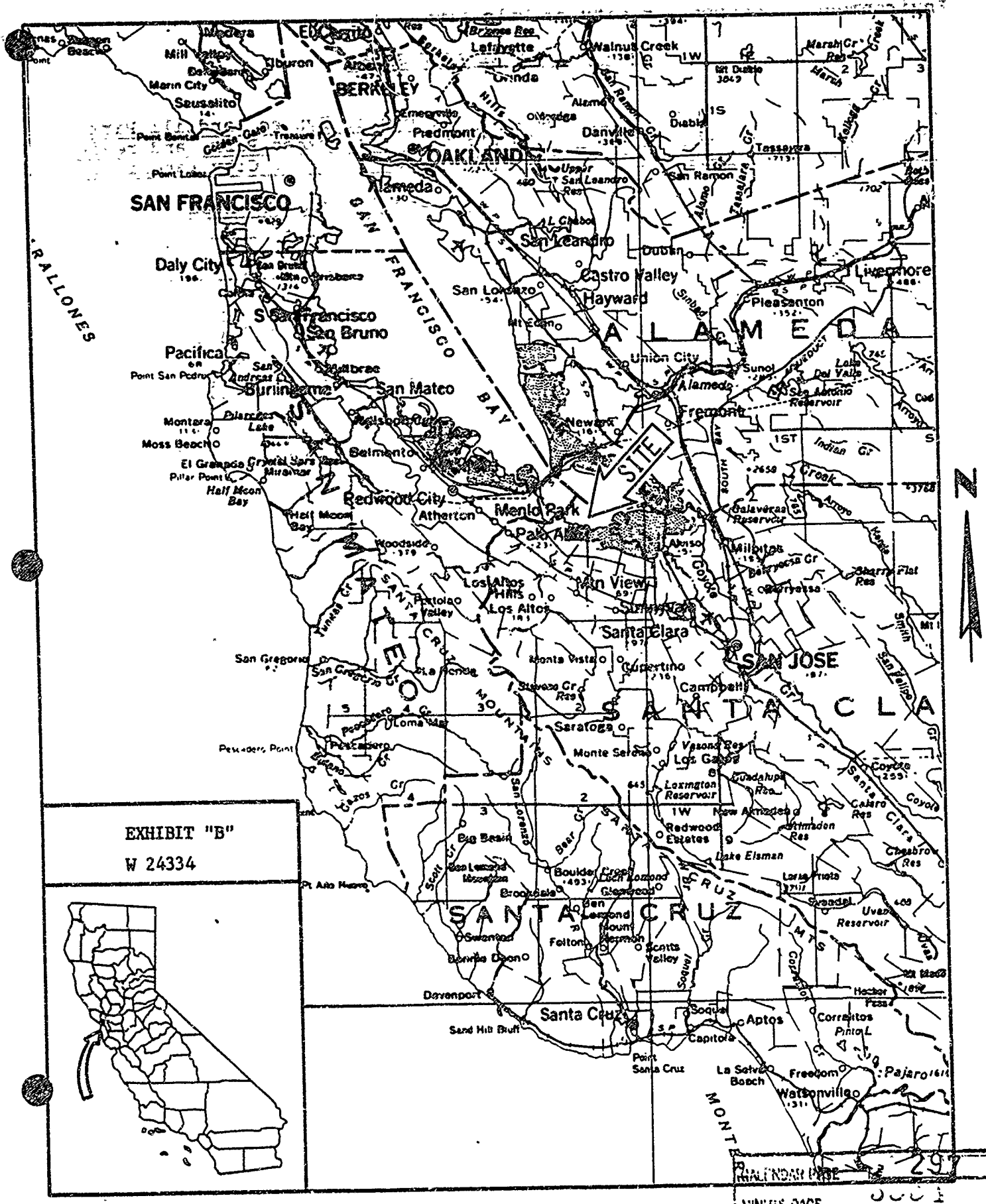


EXHIBIT "B"
W 24334



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Environmental Documents - City of Palo Alto

ENVIRONMENTAL ASSESSMENT

Project Description/Title: Review of revisions to Byxbee Landfill Park Master Plan and review of Phase I construction of Byxbee Park, and review of location and design of permanent natural gas flare at City Landfill.

Location/Address: 2380 Embarcadero Road Palo Alto, CA

Sponsoring Agency/Applicant: City of Palo Alto

Address and Telephone of Applicant: 250 Hamilton Avenue (415) 329-2454 Palo Alto, CA 94301

Application for: Site & Design Approval
(e.g., zoning change, subdivision of property, architectural review, use permit)

Zoning at Project Location: PF(D) Fee Receipt No.: -----

NOTICE OF DETERMINATION

Based upon review of the project files, the undersigned member of the Public Works Department has concluded:

Negative Declaration: The project has no significant environmental impact. No Environmental Impact Report is required. The reasons for a Negative Declaration are: in the attached Initial Study. A record of project action is available for review at the Palo Alto Planning Department, located on the 5th floor of City Hall, 250 Hamilton Avenue, Palo Alto, CA.

The project may have a significant environmental impact. An Environmental Impact Report will be prepared.

Public Works Official: *Scott J. Boyer*

Planning Director: *Richard R. Schreier* Date: 2/7/89

The project has been approved. Date: 3/27/89

The project has been denied. Date: _____

Revised 8-1-79

File No.: 88-EIA-06

EXHIBIT "C"

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INITIAL STUDY^{1,2}

I. Project Title/Address: Byxbee Landfill Park and permanent flare design review.

II. Project Description: See attached Description.

III. Environmental Setting: Existing Landfill. City Water Quality Control Plant, yacht harbor, airport to the north; offices and City Golf Course to the northwest; open space to the east and south.

IV. Environmental Impact Checklist (Explanation of all "yes" answers are in Section V)

1. <u>Earth.</u> Will the proposal result in:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
a. Unstable earth conditions or changes in geologic substructures?	___	___	<u>X</u>
b. Disruptions, displacements, compaction or over-covering of the soil?	<u>X</u>	___	___
c. Change in topography or ground surface relief features?	<u>X</u>	___	___
d. The destruction, covering or modification of any unique geologic or physical features?	___	___	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	___	___	<u>X</u>
f. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	<u>X</u>	___	___
g. Changes in siltation, deposition, or erosion which may modify the channel of a river or the bed of a bay or inlet?	___	<u>X</u>	___

¹Adapted from Appendix I, California Guidelines for Implementation of CEQA, December 14, 1976.

²Updated May, 1982; June, 1983

2. Air. Will the proposal result in: YES NO UNDETERMINED

- a. Substantial air emissions or deterioration of ambient air quality? X
- b. The creation of objectionable odors? X
- c. Alteration of air movement, moisture temperature, or any change in climate, either locally or regional? X

3. Water. Will the proposal result in:

- a. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? X
- b. Alterations to the course or flow of flood waters? X
- c. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? X
- d. Alteration of the direction of rate of flow of ground waters? X
- e. Exposure of people or property to water related hazards such as flooding or tidal waves? X
- f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interceptions of an aquifer by cuts or excavations? X

4. Plant Life. Will the proposal result in:

- a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)? X
- b. Reduction of the numbers of any unique, rare or endangered species of plants? X
- c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? X
- d. Reduction in acreage of any agricultural crop? X

5. Animal Life. Will the proposal result in: YES MAYBE NO
- a. Change in the diversity of species, or of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)? X
- b. Reduction of the numbers of any unique, rare or endangered species of animals? X
- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? X
- d. Deterioration in existing fish or wild-life habitat? X
6. Noise. Will the proposal result in:
- a. Increases in existing noise levels? X
- b. Exposure of people to severe noise levels? X
7. Light and Glare. Will the proposal produce new light glare? X
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area? X
9. Energy/Natural Resources. Will the proposal result in:
- a. Use of substantial amounts of fuel or energy? X
- b. Substantial increase in demand upon existing sources of energy, or require the development of new sources or energy? X
- c. Increase in the rate of use of any natural resources? X
- d. Substantial depletion of any nonrenewable natural resource? X
10. Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset? X

- | | YES | MAYBE | NO |
|--|----------|-------|----------|
| <u>11. Population/Housing.</u> | | | |
| a. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? | _____ | _____ | <u>X</u> |
| b. Will the proposal effect existing housing, or create a demand for additional housing? | _____ | _____ | <u>X</u> |
| <u>12. Transportation/Circulation.</u> Will the proposal result in: | | | |
| a. Generation of substantial additional vehicular movement? | _____ | _____ | <u>X</u> |
| b. Effects on existing parking facilities, or demand for new parking? | <u>X</u> | _____ | _____ |
| c. Alterations to present patterns of circulation or movement of people and/or goods? | _____ | _____ | <u>X</u> |
| d. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? | _____ | _____ | <u>X</u> |
| <u>13. Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: | | | |
| a. Fire protection? | _____ | _____ | <u>X</u> |
| b. Police protection? | _____ | _____ | <u>X</u> |
| c. Schools? | _____ | _____ | <u>X</u> |
| d. Parks or other recreational facilities? | <u>X</u> | _____ | _____ |
| e. Maintenance of public facilities, including roads? | <u>X</u> | _____ | _____ |
| f. Other governmental services? | _____ | _____ | <u>X</u> |
| <u>14. Utilities.</u> Will the proposal result in a need for new systems, or substantial alterations to the following utilities: | | | |
| a. Power or natural gas? | _____ | _____ | <u>X</u> |
| b. Communications systems? | _____ | _____ | <u>X</u> |

	YES	MAYBE	NO
c. Water?			X
d. Sewer or septic tank?			X
e. Storm water drainage?			X
f. Solid waste and disposal?	X		
15. <u>Human Health</u> . Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?			X
b. Exposure of people to potential health hazards?		X	
16. <u>Aesthetics</u> . Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?			X
17. <u>Recreation</u> . Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	X		
18. <u>Cultural Resources</u> .			
a. Will the proposal result in the alteration of/or the destruction of a prehistoric or historic archaeological site?			X
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure;, or object?			X
c. Does the proposal have the potential to causes a physical change which would affect unique cultural values?			X
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?			X

19. Mandatory Findings of Significance.

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
OM EBYAM 227 a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	_____	_____	<u>X</u>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	_____	_____	<u>X</u>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	_____	_____	<u>X</u>
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	<u>X</u>

V. Explanation of "yes" answers in environmental checklist.

See attached.